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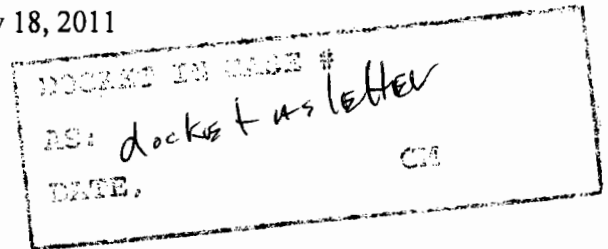
United States Attorney  
Southern District of New York

United States District Courthouse  
300 Quarropas Street  
White Plains, New York 10601

January 18, 2011

BY ELECTRONIC MAIL

The Honorable Colleen McMahon  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312



**Re: United States v. Annabi and Jereis, 10 Cr. 007 (CM)**

Dear Judge McMahon:

The Government respectfully submits this letter in response to Mr. Aronwald's letter dated January 17, 2011, and writes to correct certain misstatements made by counsel.

First, counsel states that the Government agreed to the motions schedule set forth in his letter. We did not. In a telephone call with Annabi's counsel last week, we made it clear that we would agree to what we viewed as a drawn-out motions schedule *only if* he agreed to jointly suggest to the Court a trial date of June 13, 2011. In our view, there was no need for counsel to have two more months after the January 24, 2011 conference to file their motions.

Moreover, the Government would have preferred a trial date in May, if that worked for the Court, but suggested June 13 to counsel because that was the first available time counsel for Annabi had. When we were discussing possible times for the motions schedule and a proposed trial date, Annabi's counsel informed us that he would be away from February 15 through March 1, away again from April 14 through April 26, in Florida on government business May 19 and 20, and out of the country from May 22 through June 12. Thus, although it might be inconvenient for counsel to start a trial right after returning from a trip, this seemed to be the earliest possible time that counsel could begin an approximately four-week trial (the Government anticipates that its case-in-chief will last about three weeks), while still accommodating counsel's spring schedule. Such a schedule, with a June 13 start date, would allow us to get three full trial weeks in before the July 4<sup>th</sup> break, would cut into the summer as little as possible, and would provide the earliest possible start date, in light of counsel's schedule.

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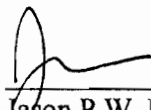
Counsel also notes that at the last pretrial conference on November 15, 2010, Your Honor indicated that it was the Court's "intention to set a trial date in the middle of the year." While the Government does not yet have the 11/15/10 pretrial conference transcript, it is worth noting that at Annabi's November 29, 2010 bail hearing – two weeks later – the Court said, "I will be happy to give this case a spring trial date." 11/29/10 Bail Hearing Tr. at 13.

For all these reasons, the Government would respectfully ask for a trial date of June 13, 2011, or no later than June 20, 2011. We would also ask for time to be excluded – in the interests of justice, and in order for the motions to be briefed and so the Court can rule on them – until the trial date.

Thank you very much for Your Honor's consideration.

Respectfully submitted,

Preet Bharara  
United States Attorney

By:   
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cc: William Aronwald, Esq.  
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